IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLN.NO.1910 OF 2007

Gulabrao Baburao Karanjule ..Applicant
Vs.
State of Maharashtra ..Respondents

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Mr.Rajeev Patil Advocate with Mr.P.D.Dalvi
Advocate for Applicant
Mr.S.S.Pednekar A.P.P. for the State
Mr.P.M.Pradhan advocate for Respondent No.2-
Original complainant

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 26, 2007

P.C.

1. Heard the learned advocate for the applicant, the learned A.P.P. for the State and the learned advocate for the Respondent No.2-original complainant.

2. The applicant is seeking bail in C.R.No.I-399 of 2006 of Ambernath Police Station. The said case has been transferred to State CID for investigation. The said case is mainly under Section 302 of IPC.

3. It is the prosecution case that there was some dispute between the wife of the complainant and the security guard of the applicant on account of throwing out of garbage. This occurred in the

morning at 7.30 a.m. Thereafter, in the afternoon at about 3.30 p.m., witnesses heard sound of firing and they saw that Shailesh had received bullet injury. From the statements of witnesses, it is seen that Rakesh Yadav was holding a gun in his hand and the present applicant was holding a revolver. It is an admitted fact that Shailesh had received just one bullet injury and the said injury has been caused on account of bullet being fired from a gun. No witness has stated that the present applicant had fired at Shailesh.

4. The learned A.P.P. states that the applicant is involved in various other cases, however, the said cases are under the MRTP Act and under Sections 341 of IPC and 37(1) of the Bombay Police Act etc. None of these offences are serious in nature. It is also pointed out that some unknown person had made a telephone call from unknown number to the complainant giving him threats. It is stated that the said threats were given on behalf of the applicant. As far as this aspect is concerned, there is no investigation or inquiry in this respect as to from where the telephone call was made and who made the calls, though as the telephone call was made on the mobile phone of the

complainant and hence, the number and person could easily have been ascertained.

5. Looking to the statements of witnesses in the present case wherein no role is attributed to the applicant of firing on Shailesh, I am inclined to grant bail to the applicant.

6. The applicant-Gulabrao Baburao Karanjule to be released on bail in the sum of Rs.40,000/- (Rs.forty thousand only) with one or two sureties to make up the said amount in C.R.No.I-399 of 2006 of Ambernath Police Station. The applicant shall report to State CID, Vashi, Navi Mumbai once in a week till the conclusion of trial. In addition thereto, the applicant shall not threaten the witnesses in any manner. It is made clear that if the applicant threatens the witnesses either directly or indirectly, this would be a ground for the Complainant or the State to prefer an application for cancellation of bail.

7. Application is disposed of.

[SMT. V.K.TAHILRAMANI, J.]